IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Bail Appl..No. 4123 of 2007()

CRIME NO. 219/07 OF VADAKKEKAD POLICE STATION

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PETITIONER ACCUSED NOS 1 TO 3

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1. FEBI @ FEBEER, AGED 18 YEARS
   S/O.VALIPARAMBIL VEETTIL ABU,
   ARIYOOR DESOM,PUNNAYUR VILLAGE,
   CHAVAKKAD TALUK.

2. SHANI ABOOBACKER,
   AGED 22 YEARS,
   S/O.KOTTARAPATTE VEETTIL MOHAMMEDALI,
   KALLUR PENGATTUTHARA DESOM,
   VADAKKEKAD VILLAGE,CHAVAKKAD TALUK,
   THRISSUR DISTRICT.

3. FAVAS,S/O.MUHAMMADALI,
   (FANSHID MANZIL),POKKULANGARA HOUSE,
   KUZHINGARA DESOM,PUNNAYUR VILLAGE,
   CHAVAKKAD TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: CPMPLAINANT

STATE OF KERALA THROUGH THE
SUB INSPECTOR OF POLICE,
VADAKKEKAD POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4123 of 2007

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Dated this the 9th day of July, 2007

O R D E R

Application for regular bail. The petitioners are accused 1 to 3 in a crime registered, where they face allegations under Section 307 I.P.C. They are allegedly members of N.D.F. The alleged incident took place on 11.5.2007. A person belonging to the R.S.S. is the victim. He was allegedly attacked with dangerous weapons. No grievous hurt has been suffered. The injury suffered is simple. Investigation is in progress. Only the first accused was named in the F.I.R. Accused 2 and 3 were brought on the array of accused later. The petitioners were arrested on 12.6.2007 and they continue in custody from that date.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Allegation under section 307 I.P.C. has been incorporated without bonafides in an attempt to ensure that the petitioners are not granted bail for as long a period as possible. Subject to appropriate conditions bail may now be granted to the petitioners, it is prayed.

3. The learned Prosecutor opposes the application. He submits that the injury suffered is not grievous, but that does not detract against the gravity of the allegation. The nature of motive and nature of attack may be taken into consideration. The Investigators may be given some further time to complete the investigation in a serious crime like this. Return of the petitioners to the locality of the crime is likely to endanger the law and order situation in the locality. In these circumstances appropriate conditions may also be imposed, if this Court were inclined to grant regular bail to the petitioners, submits the Prosecutor.

4. Having considered all the relevant inputs, I am persuaded to agree that regular bail can be granted to the petitioners, subject to appropriate and strict conditions which shall allay the apprehension of the learned Prosecutor.

5. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioners shall not be released from custody on the strength of this order prior to 12.7.2007. The police shall in the meantime make every endeavour to complete the investigation.

(b) They shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(c) They shall make themselves available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(d) The petitioners shall not enter the Sessions Division of Trichur for a period of two months from the date of their release, except for the purpose of complying with condition No.(c) above.

(R. BASANT)
Judge

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